

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Before the Board of Patent Appeals and Interferences

In re Patent Application of

BRÖNDRUP

Serial No. 09/788,402

Filed: February 21, 2001

Title: WIRELESS RESERVATION, CHECK-IN, ACCESS CONTROL, CHECK-OUT AND
PAYMENT

Mail Stop Appeal Brief - Patents

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450



Atty Dkt. 3842-7

C# M#

TC/A.U.: 3629

Examiner: J. OUELLETTE

Date: February 13, 2006

Sir:

Correspondence Address Indication Form Attached.

NOTICE OF APPEAL

Applicant hereby **appeals** to the Board of Patent Appeals and Interferences
from the last decision of the Examiner twice/finally rejecting \$500.00 (1401)/\$250.00 (2401) \$
applicant's claim(s).

An appeal **BRIEF** is attached in the pending appeal of the
above-identified application

\$500.00 (1402)/\$250.00 (2402) \$ 500.00

Credit for fees paid in prior appeal without decision on merits

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A reply brief is attached.

(no fee)

Petition is hereby made to extend the current due date so as to cover the filing date of this
paper and attachment(s)

One Month Extension \$120.00 (1251)/\$60.00 (2251)

Two Month Extensions \$450.00 (1252)/\$225.00 (2252)

Three Month Extensions \$1020.00 (1253)/\$510.00 (2253)

Four Month Extensions \$1590.00 (1254)/\$795.00 (2254) \$ 120.00

"Small entity" statement attached.

Less month extension previously paid on

-\$()

TOTAL FEE ENCLOSED \$ 620.00

Any future submission requiring an extension of time is hereby stated to include a petition for such time extension.

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our **Account No. 14-1140**. A duplicate copy of this sheet is attached.

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

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APPEAL BRIEF

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the Examiner.

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(I) **REAL PARTY IN INTEREST**

The real party in interest is Telefonaktiebolaget LM Ericsson, a corporation of the country of Sweden.

(II) RELATED APPEALS AND INTERFERENCES

The appellant, the undersigned, and the assignee are not aware of any related appeals, interferences, or judicial proceedings (past or present), which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

(III) STATUS OF CLAIMS

Claims 21-31 are pending and have been rejected. No claims have been substantively allowed.

(IV) STATUS OF AMENDMENTS

No amendments have been filed since the date of the Final Rejection.

(V) SUMMARY OF CLAIMED SUBJECT MATTER

By way of example, and without limitation, certain exemplary embodiments of the invention relate to a system and method for providing wireless facility reservation and/or check-in, and for facility access control, at, for example, hotels.

Fig. 1 of the present specification shows an exemplary embodiment of the invention whereby a computerized reservation/IT system is provided.

As explained in paragraph [0043], with reference to Figs. 3 and 6, the computerized reservation/IT system of an exemplary embodiment is arranged to automatically generate an electronic key upon receiving a reservation or check-in request from a wireless terminal of a user and communicate the electronic key to the remotely operable door lock associated with the assigned hotel room. The system of this exemplary embodiment is very convenient for users and enables hotel room access without requiring the user to press any buttons on the user's terminal. See e.g., paragraphs [0061] and [0062] of the present specification.

(VI) GROUND OF REJECTION TO BE REVIEWED ON APPEAL

1. Whether claims 21-25 and 27-31 are unpatentable under 35 U.S.C. § 103(a) over DeLorme et al. (U.S. 5,948,040) in view of Pinzon (U.S. 6,161,005), and further in view of Worcester (Worcester, Barbara A., "On-line locks may set trend toward real-time security," Hotel & Management, v213n3, pp. 53-54, February 16, 1998).
2. Whether claim 26 is unpatentable under 35 U.S.C. § 103(a) over DeLorme et al. (U.S. 5,948,040) in view of Pinzon (U.S. 6,161,005), in view of Worcester (Worcester, Barbara A., "On-line locks may set trend toward real-time security," Hotel & Management, v213n3, pp. 53-54, February 16, 1998), and further in view of Martin (U.S. 5,979,754).

(VII) ARGUMENT

Claims 21-31 stand finally rejected as being obvious under 35 U.S.C. § 103(a). In rejecting claims under § 103(a), the Examiner bears the burden of establishing a *prima facie* case of obviousness. In re Rouffet, 149 F.3d 1350, 1355, 47 USPQ2d 1453, 1455 (Fed. Cir. 1998); In re Oetiker, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). To satisfy its burden, the Examiner must show that there is some objective suggestion or motivation in the prior art references relied upon, or in the knowledge available to one skilled in the relevant art at the time of the invention, to modify or combine the references to achieve the claimed invention. In re Thrift, 298 F.3d 1357, 1363, 63 USPQ2d 2002, 2006 (Fed. Cir. 2002); In re Fine, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). The references relied on to support the § 103(a) rejection must teach or suggest each limitation of the rejected claim(s). In re Royka, 490 F.2d 981, 985, 180 USPQ 580, 583 (CCPA 1974). "The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification." In re Fritch, 972 F.2d 1260, 1266, 23 USPQ2d 1780, 1783-84 (Fed. Cir. 1992). Further, the references relied upon and what they fairly teach must be considered as a whole, including whether they teach away from the claimed invention. In re Bell, 991 F.2d 781, 784-85, 26 USPQ2d 1529, 1531 (Fed. Cir. 1993).

The Examiner must also demonstrate that at the time of the invention and in view of the teachings and motivation found in the prior art, one skilled in the relevant art applying such teachings or motivation would have a reasonable expectation of success in

making the claimed invention. In re Vaeck, 947 F.2d 488, 493, 20 USPQ2d 1438, 1442 (Fed. Cir. 1991).

In making these showings, the Examiner must step into the shoes of one skilled in the relevant art at the time of the invention and, in view of the relevant prior art and knowledge of such person skilled in the art, determine whether the claimed invention as a whole would, at that time, be obvious. In re Kotzab, 217 F.3d 1365, 1370, 55USPQ2d 1313, 1316 (Fed. Cir. 2000); In re Fine, 837 F.2d at 1073-75, 5 USPQ2d at 1598-99. In that regard, the Examiner is prohibited from using an applicant's disclosure as a road map to pick and choose elements from the prior art and combine them in a way that results in the claimed invention. Id. See also, In re Rouffet, 149 F.3d at 1357-58, 47 USPQ2d at 1457-58; In re Fritch, 972 F.2d at 1266, 23 USPQ2d at 1784. Rather, any teaching or suggestion to make the claimed invention, as well as the reasonable expectation of success, must be found in the prior art. In re Vaeck, 947 F.2d at 493, 20 USPQ2d at 1442.

In view of the above, when rejecting claims under § 103(a), the Examiner must "explain what specific understanding or technological principle within the knowledge of one of ordinary skill in the art would have suggested the combination" in a manner that would render the claimed invention obvious. In re Rouffet, 149 F.3d at 1357-58, 47 USPQ2d at 1458; In re Lee, 277 F.3d 1338, 1343-44, 61 USPQ2d 1430, 1433-34 (Fed. Cir. 2002). Thus, in the rejection, the Examiner must give specific reasons why one skilled in the art, if confronted with the same problem(s) as the inventor and without knowledge of the claimed invention, would select the references and elements from the

cited references, and combine them in a manner that results in the claimed invention. In re Rouffet, 149 F.3d at 1357-58, 47 USPQ2d at 1458.

1. Claim 21

Claim 21 is directed to: A system for a hotel for wireless facility reservation and/or check-in and for facility access control, comprising:

a communication network interconnecting a telecommunication system adapted to communicate wirelessly with a wireless telecommunication device of a wireless terminal of a user and a computerized reservation/IT system associated with a facility, said computerized reservation/IT system including a means for electronic communication with a remotely operable door lock of the facility, said remotely operable door lock including a lock device and a first wireless device operationally associated with the lock device and adapted to communicate wirelessly with a second wireless device of the wireless terminal, said wireless terminal including the wireless telecommunication means arranged in communication with the second wireless communication device and arranged to communicate via the wireless telecommunication means to the computerized reservation/IT system a reservation and/or check-in request of a terminal user; wherein

the computerized reservation/IT system is arranged to

- automatically generate an electronic key upon receiving from the wireless terminal a hotel reservation and/or check-in request,
- automatically and wirelessly communicate the electronic key to the wireless terminal that originated the reservation and/or check-in request, and

- automatically communicate electronically to the remotely operable door lock associated with a hotel room assigned to the user in response to the reservation and/or check-in request information corresponding to the electronic key, and the remotely operable door lock is arranged to:

- automatically and wirelessly obtain, without the user of the wireless terminal having to press a button, the electronic key from the wireless terminal if the second wireless device and the first wireless device are mutually in-range, and
- automatically actuate the lock device to enable the user to access the hotel room if the key obtained from the wireless terminal corresponds to the information received from the computerized reservation/IT system.

In the final rejection of June 23, 2005, it is clear that the Examiner has improperly used the disclosure of the present invention to pick and choose elements from the cited references and combine them so as to make the present invention, without considering the claimed invention as a whole and without stating sufficient reasons why one of ordinary skill in the art at the time of the invention, without knowledge of the applicant's disclosure, would be motivated to select the cited references and combine the prior art elements so as to make the claimed invention. In so doing, the Examiner misconstrues the objective teachings of the cited references and ignores teachings that point away from the claimed invention. Moreover, the differences between the teachings of the cited references and the claimed invention are such that a *prima facie* case of obviousness cannot be established. Significantly, the Examiner evidences a failure to appreciate that the present invention is directed to a computerized reservation/IT system

that is arranged to automatically generate an electronic key upon receiving a reservation or check-in request from the wireless terminal of a user and communicate the electronic key to the remotely operable door lock associated with the assigned hotel room, as required by independent claim 21. The features recited in independent claim 21, in combination, provide a hotel registration and/or check-in system that is very convenient for users and enables hotel room access without requiring the user to press any buttons on the user's terminal. For at least the reasons set forth below, the specific combination of features defined in claim 21 is not taught or suggested by the combined teachings of the cited references.

The Examiner found that DeLorme et al. (U.S. 5,948,040), the primary reference relied on for the rejection, "discloses a method for providing automatic wireless hotel facility reservation and-or check-in and room access control in a system comprising a communication network interconnecting a telecommunication system adapted to communicate wirelessly with a wireless telecommunication device of a wireless terminal of a user and a computerized reservation/IT system associated with a facility....[and]...discloses communicating electronic output to a wireless device, to include the method comprising: automatically generating electronic output upon receiving from the wireless terminal a hotel reservation and/or check-in request, automatically and wirelessly communicating a copy of the electronic output from the computerized reservation/IT system to the wireless terminal that originated the reservation and/or check-in request...." (Final Rejection of 6/23/05 at 2-3). The Examiner failed to appreciate, however, that DeLorme nowhere teaches or suggests a

computerized reservation/IT system arranged to automatically generate an electronic key upon receiving a reservation or check-in request from the wireless terminal of a user, as required by independent claim 21. Thus, although DeLorme discloses a travel reservation and planning system that enables a user to make reservations at, for example, a hotel using a wireless device, DeLorme does not teach or suggest the automatic generation of an electronic key nor does it teach the automatic or wireless communication of the electronic key to the user's wireless terminal as presently claimed.

A further deficiency of DeLorme is that while the Examiner found that the reference discloses generating "electronic output" in response to receiving a reservation request and communicating the electronic output to the requesting terminal, such "electronic output" as contemplated by DeLorme is clearly limited to reservation confirmation-type information. There is nothing in DeLorme that teaches or suggests that the "electronic output" be an electronic key. Specifically, DeLorme does not teach or suggest that the electronic output would, in any way, be capable of being used to automatically actuate a remotely operable door lock associated with a hotel room assigned to the wireless terminal user in response to a reservation and/or check-in request, as required by independent claim 21. Thus, with respect to hotels, DeLorme is limited to remotely making reservations and wirelessly obtaining a confirmation code for the reservation, whereas the invention set forth in claim 21 of the present application defines a system in which an electronic key is obtained automatically and wirelessly, wherein the key is used to enable the user to automatically access an assigned hotel room

without having to take any particular action, such as pressing a pre-defined button on the user's wireless terminal.

A third deficiency of DeLorme is that it fails to teach or suggest a system in which a computerized hotel reservation/IT system also automatically and wirelessly communicates the electronic key to the remotely operable door lock associated with the assigned hotel room, as further required by independent claim 21.

As shown above, DeLorme is thus very, and fundamentally, different from the invention defined in claim 21 of the present application, is not concerned at all with the same problems or solutions as those to which the claimed invention of the present application is directed, nor does DeLorme teach or suggest the claimed invention and each of its limitations. Thus, one skilled in the art at the time of applicant's invention, without knowledge of said invention, would not be motivated to look to DeLorme for teachings that would lead the skilled artisan to achieve a computerized reservation/IT system that is arranged to automatically generate an electronic key upon receiving a reservation or check-in request from the wireless terminal of a user and to automatically and wirelessly communicate the electronic key to the remotely operable door lock associated with the assigned hotel room, as required by independent claim 21.

The secondary references relied on by the Examiner – Pinzon (U.S. 6,161,005) and Worcester (Worcester, Barbara A., "On-line locks may set trend toward real-time security," Hotel & Management, v213n3, pp. 53-54, February 16, 1998) – when fairly considered do not make up for the clear deficiencies of DeLorme and thus do not render the claimed invention obvious.

For instance, Pinzon is directed to a door locking/unlocking system utilizing direct and network communications. Although Pinzon suggests that the system disclosed therein could be used in connection with hotels, nowhere does it teach or suggest the specific combination of features set forth in independent claim 21 of the present application. Even if properly combined with DeLorme, which applicant submits it is not, the combination claimed in independent claim 21 is still not achieved.

In particular, Pinzon teaches that any transfer of a code from the portable wireless device to the receiver results from the user operating a push-button or keypad of the portable wireless device. According to the applicant's invention, this is undesirable as hands-free locking and unlocking, elements of the claimed invention, would not be possible. As such, one skilled in the art would not be motivated to combine the teachings of Pinzon and DeLorme, and successfully obtain the claimed invention.

A further reason why one skilled in the art would not be motivated to combine Pinzon and DeLorme to make the claimed invention is that Pinzon directly teaches away from the solution proposed by claim 21 by disclosing an arrangement wherein the electronics associated with a door lock are furnished with locking/unlocking codes at the location of the door lock directly by way of a user interface, by codes already stored therein, by training, or by downloading from a portable device brought to the location of the lock device. (Pinzon at Col. 2, Ins. 32-35 and Col. 5, Ins. 39-53). As taught by Pinzon, manual intervention at the place of installation of the lock is required in order to alter the locking/unlocking code such that it is different from what the suggested periodic change scheme would provide. Accordingly, the solution of Pinzon is inefficient

and cumbersome as to the altering of the locking/unlocking code, whereas in exemplary embodiments of the applicant's invention the solution provides automatic, immediate and "on-the-fly" key code generation and transmission to the remotely operable lock and to the wireless terminal. As the disclosure of Pinzon further teaches, in order to utilize the code thus entered on-site into the electronics of the door lock, a facility – such as a hotel – would, after once having performed the on-site programming of the door lock electronics and upon completing the usual guest check-in procedure, provide said guest with a portable wireless phone or similar wireless terminal rather than a physical key, and thereupon make a call from the hotel's switchboard to the wireless terminal at the time the guest has placed the wireless phone, in accordance with Pinzon, in a cradle properly arranged in the respective hotel room door, or at the time when the guest carrying the wireless phone equipped with the short range wireless transmitter, in further accordance with Pinzon, is proximal to the door of the hotel room assigned to the guest. As such, in no way does the solution proposed by Pinzon allow for – or even remotely suggest – an automatic key generation and transfer to the remotely operable lock device and to the portable wireless terminal in response to a wireless and/or check-in request originating from that particular portable wireless terminal. Thus, Pinzon is wholly unrelated to the invention of application claim 21 and the Examiner has not stated any basis for combining Pinzon with DeLorme that is supported by the fair and objective teachings of the references. As with DeLorme, Pinzon fails to teach or suggest a computerized reservation/IT system that is arranged to automatically generate an electronic key upon receiving from the wireless terminal of a user a reservation or check-in request as

required by claim 21. Further, and also as DeLorme, Pinzon fails to teach or suggest a system in which a computerized hotel reservation/IT system also automatically and wirelessly communicates the electronic key to the remotely operable door lock associated with the assigned hotel room, as required by claim 21. That Pinzon states that the transmitter could be such that it operates the lock when it is in range does not render the system of claim 21 obvious, particularly when considering that claim 21 requires all of the specific recited features in combination and provides a hotel registration and/or check-in system that is very convenient for users and enables hotel room access without required the user to take any particular action such as pressing any buttons on the user's terminal – contrary to Pinzon.

As to Worcester, it fails to make up for the deficiencies of DeLorme and Pinzon, and is not concerned with solving the same problems as the applicant's invention. Unlike Worcester, the applicant's invention as set forth in claim 21 presents a hotel registration and/or check-in system that is convenient for users and enables hotel room access without requiring the user to press any buttons on the user's terminal or use magnetic stripe cards by providing a computerized reservation/IT system that is arranged to automatically generate an electronic key upon receiving a reservation or check-in request from the wireless terminal of a user and communicate the electronic key to the remotely operable door lock associated with the assigned hotel room. Although Worcester does disclose use of an on-line system for communicating door lock information from an IT system, it does not anywhere teach or suggest the specific combination of features defined in claim 21 and the Examiner has not pointed to any

portion of Worcester that would motivate one skilled in the art at the time of applicant's invention to select that reference and combine it with the teachings of DeLorme and Pinzon, and successfully achieve applicant's invention as recited in claim 21. Importantly, Worcester appears to require use of a magnetic stripe card (either the guest's personal credit card or a pre-encoded hotel card) as the guest's room key, and nowhere suggests the electronic key of claim 21. Thus, Worcester does not teach or suggest a computerized reservation/IT system that is arranged to automatically generate an electronic key upon receiving a reservation or check-in request from the wireless terminal of a user and to automatically and wirelessly communicate the electronic key to the remotely operable door lock associated with the assigned hotel room. Further, Worcester explains that the industry is unlikely to welcome on-line locking technology because the expense outweighs the return on investment. In that respect, Worcester teaches away from the on-line system defined in claim 21. Moreover, even if Worcester is properly combined with DeLorme and Pinzon, there is still absent any teaching or suggestion of the specific combination of recited features of claim 21.

Accordingly, for the reasons and argument set forth above, the applicant respectfully submits that the Examiner's rejection of independent claim 21 under § 103(a) was based on improper hindsight reconstruction of the invention of claim 21, and is not supported by the objective teachings of the DeLorme, Pinzon and Worcester references, particularly since these references neither alone nor combined teach each and every limitation of claim 21. Specifically, none of the references, either alone or in combination, teach or suggest a computerized reservation/IT system that is arranged to

automatically generate an electronic key upon receiving from the wireless terminal of a user a reservation or check-in request as required by claim 21 nor do they, alone or in combination, teach or suggest a system in which a computerized hotel reservation/IT system also automatically and wirelessly communicates the electronic key to the remotely operable door lock associated with the assigned hotel room, as further required by claim 21. Moreover, the Examiner fails to sufficiently explain, in the face of the objective teachings of DeLorme, Pinzon and Worcester, why one skilled in the art would be motivated to combine the teachings of these references in a way that meets the invention of claim 21. This is especially so when consideration is given to the references as a whole, including not only what they fairly teach but also whether they teach away from the claimed invention. Indeed, the clear deficiencies of each of the cited references and the teachings that point away from the claimed invention would not motivate one skilled in the art to combine them in the manner suggested by the Examiner and meet the claimed invention. Thus, the Examiner has failed to meet his burden of making a *prima facie* case of obviousness, and the rejection of independent claim 21 was in error and should be reversed.

2. Claims 22 And 23

Claim 22 depends from claim 21 and claim 23 depends from claim 22. Because independent claim 21 is not rendered obvious in view of the foregoing, applicant submits that dependent claims 22 and 23 are also not rendered obvious, and thus the Examiner's rejection as to these claims should also be reversed. See, In re Fine, 837 F.2d

at 1076, 5 USPQ2d at 1600 (if an independent claim is not obvious under § 103, the claims depending from the independent claim are also not obvious).

A finding that claims 22 and 23 are obvious cannot be maintained for the further reason that the references relied on to support the § 103(a) rejection must teach or suggest each limitation of the rejected claim(s). In re Royka, 490 F.2d 981, 985, 180 USPQ 580, 583 (CCPA 1974) (emphasis added). Specifically, neither DeLorme, Pinzon or Worcester, either alone or in combination, teach a computerized reservation/IT system wherein a wireless monitoring unit that includes a third wireless device is arranged to wirelessly obtain from the wireless terminal a copy of an electronic key if the second wireless device and the third wireless device are mutually in-range, and communicate said copy of an electronic key to the reservation/IT system, and wherein the reservation/IT system in response to receiving the copy of the electronic key is arranged to communicate an invalidation command in respect of information corresponding to the electronic key a reservation period associated with the electronic key has expired, as set forth in claim 22. Further, neither DeLorme, Pinzon or Worcester teach the system of claim 22, wherein the computerized reservation/IT system is further arranged to automatically communicate a payment request to a payment server arranged in communication with the communication network upon an invalidation of the electronic key if a payment for a reservation associated with the invalidated key has not been registered in the computerized reservation/IT system at the time of invalidation of the information corresponding to the electronic key, as set forth in claim 23.

Quite simply, the Examiner's conclusion that dependent claims 22 and 23 are obvious, *see* Final Rejection of 6/23/05 at 6-7, is not supported by an objective reading of the DeLorme, Pinzon and Worcester references or what these references fairly disclose and teach. In addition, the Examiner has failed to show where in DeLorme, Pinzon and Worcester the inventions of claims 22 and 23 are taught or suggested. Nowhere in the rejection does the Examiner "explain what specific understanding or technological principle within the knowledge of one of ordinary skill in the art would have suggested the combination" of DeLorme, Pinzon and Worcester in a manner that would render claims 22 and 23 obvious. In re Rouffet, 149 F.3d at 1357-58, 47 USPQ2d at 1458; In re Lee, 277 F.3d 1338, 1343-44, 61 USPQ2d 1430, 1433-34 (Fed. Cir. 2002). In particular, absent from the Examiner's rejection are specific reasons why one skilled in the art, if confronted with the same problem(s) as the inventor and without knowledge of the claimed invention, would select the references and elements from the cited references, and combine them in a manner that results in the inventions of claims 22 and 23. In re Rouffet, 149 F.3d at 1357-58, 47 USPQ2d at 1458. Thus, the Examiner has failed to meet his burden of proving obviousness as to claims 22 and 23.

That the references fail to teach all limitations of rejected claims 22 and 23 is further acknowledged by the Examiner. (Final Rejection of 6/23/05 at 7). Although the Examiner attempts to salvage his obviousness rejection of claims 22 and 23 by pointing to specific portions of Pinzon, *see* Final Rejection of 6/23/05 at 7, the attempt fails. As explained in the section above dealing with claim 21, Pinzon discloses and teaches that the varying of door locking codes is by manual intervention at the place of installation of

the lock, a method that is both inefficient and cumbersome as to altering of the locking/unlocking codes. Pinzon is thus very different than the inventions of claims 22 and 23, and would not, either alone or in combination with DeLorme and Worcester, lead one of skill in the art at the time of the inventions to make the inventions of claims 22 and 23. Accordingly, the Examiner's rejection of claims 22 and 23 for obviousness must be reversed.

3. **Claim 26**

Claim 26 also depends from claim 21. In the final rejection, the Examiner separately rejected claim 26 under § 103(a) over DeLorme, in view of Pinzon, in view of Worcester, and further in view of Martin (U.S. 5,979,754). (Final Rejection of 6/23/05 at 8-9).

Applicant's arguments with respect to DeLorme, Pinzon and Worcester as applied to independent claim 21 above and as further set forth above apply equally to claim 26 and will not be repeated herein.

With respect to Martin, the Examiner argues that this reference "discloses a computerized reservation/IT system wherein the system is responsive to a check-out request received from the a terminal and arranged to act thereupon by communicating to the corresponding remotely operable door lock an invalidation command in respect of the information corresponding to the electronic key." (Final Rejection of 6/23/05 at 8, citing Martin at abstract, Col. 12, Ins. 42-45). Martin discloses a door control apparatus which employs a card reader as part of the door control unit for reading an entry card. Card identification to information is transmitted wirelessly from a main paging transmitter

connected with the control system and is received by the door control unit at selected doors to define the card or cards which are to be accepted at each door control unit to open the control door. As such, the solution proposed by Martin is essentially similar to that provided by Pinzon. However, as the disclosure of Martin is for a solution that makes use of an essentially permanently pre-programmed card with a fixed code carried on the card that cannot readily be changed "on-the-fly" as the user carrying the card is moving about, Martin is not capable of addressing the same needs and problems that are addressed by the claimed invention. In particular, it is clear that, according to Martin, the card with identification information carried thereon itself cannot operate as a terminal from which a reservation and/or check-in request can be wirelessly transmitted to a reservation or check-in system, and the card is not capable of receiving wirelessly locking code information that has been generated specifically for a particular reservation and/or check-in request. Accordingly, the disclosure of Martin is unrelated to the invention of claim 26 and would not lead one skilled in the art to combine it with DeLorme, Pinzon or Worcester to make the claimed invention.

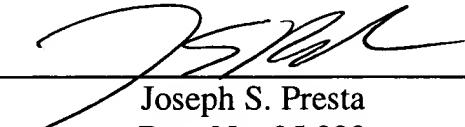
Because independent claim 21 is not rendered obvious, applicant submits that dependent claim 26 is also not rendered obvious. See, In re Fine, 837 F.2d at 1076, 5 USPQ2d at 1600 (if an independent claim is not obvious under § 103, the claims depending from the independent claim are also not obvious). Moreover, as set forth above, the Examiner's reliance on Martin to support the obviousness rejection of claim 26 is untenable and should be revised.

CONCLUSION

In conclusion it is believed that the application is in clear condition for allowance; therefore, early reversal of the Final Rejection and passage of the subject application to issue are earnestly solicited.

Respectfully submitted,

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(VIII) **CLAIMS APPENDIX**

Claims 1-20 (Canceled).

Claim 21: A system for a hotel for wireless facility reservation and/or check-in and for facility access control, comprising:

a communication network interconnecting a telecommunication system adapted to communicate wirelessly with a wireless telecommunication device of a wireless terminal of a user and a computerized reservation/IT system associated with a facility, said computerized reservation/IT system including a means for electronic communication with a remotely operable door lock of the facility, said remotely operable door lock including a lock device and a first wireless device operationally associated with the lock device and adapted to communicate wirelessly with a second wireless device of the wireless terminal, said wireless terminal including the wireless telecommunication means arranged in communication with the second wireless communication device and arranged to communicate via the wireless telecommunication means to the computerized reservation/IT system a reservation and/or check-in request of a terminal user; wherein

the computerized reservation/IT system is arranged to

- automatically generate an electronic key upon receiving from the wireless terminal a hotel reservation and/or check-in request,

- automatically and wirelessly communicate the electronic key to the wireless terminal that originated the reservation and/or check-in request, and

- automatically communicate electronically to the remotely operable door lock associated with a hotel room assigned to the user in response to the reservation and/or check-in request information corresponding to the electronic key, and

the remotely operable door lock is arranged to:

- automatically and wirelessly obtain, without the user of the wireless terminal having to press a button, the electronic key from the wireless terminal if the second wireless device and the first wireless device are mutually in-range, and

- automatically actuate the lock device to enable the user to access the hotel room if the key obtained from the wireless terminal corresponds to the information received from the computerized reservation/IT system.

Claim 22: The system of claim 21, wherein the system further comprises a wireless monitoring unit in electronic communication with the computerized reservation/IT system,

said wireless monitoring unit including a third wireless device and arranged to obtain wirelessly a copy of the electronic key from the wireless terminal if the second wireless device and the third wireless device are mutually in-range, and

communicate the copy of the electronic key obtained from the wireless terminal to the reservation/IT system, and

wherein the reservation/IT system in response to receiving the copy of the electronic key is arranged communicate an invalidation command in respect of information corresponding to the electronic key a reservation period associated with the electronic key has expired.

Claim 23: The system of claim 22, wherein the computerized reservation/IT system is further arranged to automatically communicate a payment request to a payment server arranged in communication with the communication network upon an invalidation of the electronic key if a payment for a reservation associated with the invalidated key has not been registered in the computerized reservation/IT system at the time of invalidation of the information corresponding to the electronic key.

Claim 24: The system of claim 21, wherein the reservation and/or check-in request is communicated by means of WAP (WML/WML Script), a web application (HTML/Java Script) or a Java Application/Applet.

Claim 25: The system of claim 21, wherein the computerized reservation/IT system is further arranged to encrypt the key to be communicated to the wireless terminal.

Claim 26: The system of claim 21, wherein the computerized reservation/IT system is responsive to a check-out request received from the wireless terminal and

arranged to act thereupon by communicating to the corresponding remotely operable door lock an invalidation command in respect of information corresponding to the electronic key.

Claim 27: A method for providing automatic wireless hotel facility reservation and/or check-in and room access control in a system comprising a communication network interconnecting a telecommunication system adapted to communicate wirelessly with a wireless telecommunication device of a wireless terminal of a user and a computerized reservation/IT system associated with a facility, said computerized reservation/IT system including a means for electronic communication with a remotely operable door lock of the facility, said remotely operable door lock including a lock device and a first wireless device operationally associated with the lock device and adapted to communicate wirelessly with a second wireless device of the wireless terminal, said wireless terminal including the wireless telecommunication means arranged in communication with the second wireless communication device and arranged to communicate via the wireless telecommunication means to the computerized reservation/IT system a reservation and/or check-in request of a terminal user; the method comprising:

- automatically generating in the computerized reservation/IT system an electronic key upon receiving from the wireless terminal a hotel reservation and/or check-in request,

- automatically and wirelessly communicating a copy of the electronic key from the computerized reservation/IT system to the wireless terminal that originated the reservation and/or check-in request, and
 - automatically and electronically communicating from the computerized reservation/IT system to the remotely operable door lock information corresponding to the electronic key, wherein the door lock is associated with a hotel room assigned to the user in response to the reservation and/or check-in request, and
 - automatically and wirelessly obtaining by the remotely operable door lock, without the user of the wireless terminal having to press a button, a copy of the electronic key from the wireless terminal if the second wireless device and the first wireless device are mutually in-range, and
 - automatically actuating by the remotely operable door lock the lock device to enable the user to access the hotel room if the copy of the electronic key obtained from the wireless terminal corresponds to the information received from the computerized reservation/IT system.

Claim 28: The method of claim 27, further comprising:

obtaining wirelessly by a third wireless device of a wireless monitoring unit in communication with the computerized reservation/IT system, a copy of the electronic key from the wireless terminal when the second wireless device and the third wireless device are mutually in-range,

communicating the obtained copy of the electronic key from the wireless monitoring unit to the computerized reservation/IT system, and

invalidating in the computerized reservation/IT system and any connected remotely operable door lock any information corresponding to the copy of the electronic key obtained by the wireless monitoring unit if a reservation period associated with the copy of the electronic key has expired.

Claim 29: The method of claim 28, further comprising:

communicating a payment request from the computerized reservation/IT system to a payment server connected to the communication network upon invalidating the key if a payment for a reservation associated with the invalidated key has not been registered in the hotel computerized reservation/IT system at the time of invalidating the key.

Claim 30: The method of claim 27, further comprising communicating the reservation and/or check-in request by means of WAP (WML/WML Script), a web application (HTML/Java Script) or a Java Application/Applet.

Claim 31: The method of claim 27, further comprising encrypting by the computerized reservation/IT system the electronic key before communicating the electronic key to the wireless terminal.

(IX) EVIDENCE APPENDIX

None.

(X) RELATED PROCEEDINGS APPENDIX

None.